

THE WESTON FIRM

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Class Counsel

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SHAVONDA HAWKINS, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

THE KROGER COMPANY,

Defendant.

Case No: 3:15-cv-02320-JM-AHG

**DECLARATION OF GAJAN RETNASABA IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Judge: The Honorable Jeffrey T. Miller

Date: June 7, 2021

Time: 10:00 a.m.

Location: Courtroom 5D

1 I, Gajan Retnasaba, declare:

2 1. I am a Partner at Classaura LLC, a class action administration firm. I have
3 been the project lead on cases including *Mason v. Heel*, *Hilsley v. Ocean Spray*
4 *Cranberries*, and *In re Quaker Oats Labeling Litigation*. I founded the popular class
5 action advocacy website ClassActionRebates.com. My prior experience includes being
6 a litigation associate at Jones Day and a senior associate at McKinsey & Company. I
7 hold a J.D. from Harvard Law School and a Bachelor of Engineering from the
8 University of New South Wales.

9 2. I have been asked by Class Counsel in this action to prepare a plan for
10 class notice and distribution, should judgment for a plaintiff class create a common fund
11 for the class.

12 **SETTLEMENT WEBSITE**

13 3. I will create a settlement website which will include both a summary and
14 long-form versions of the settlement notice, that will describe the settlement, describe
15 the process for making claims, for objecting to the settlement, and for opting out of the
16 settlement. It will also give notice that an attorney fee application will be made and
17 describe how class members may obtain a copy of the fee application from the
18 administrator or online, and how they may oppose the application.

19 4. The website would allow claims to be made entirely online with a form
20 where class members can file their claim, including uploading proof of purchase if
21 applicable. The claim form will be secured using 128-bit encryption, which is the
22 commercial standard. Claim data will be stored in a secure database. The website will
23 also allow class members to download claim forms that can be printed and submitted by
24 mail.

25 5. The website will provide email, phone, and postal contacts for class
26 members to request further information, hard copies of information, or help in the claim
27 filing process. The website will be updated as needed. For class members who are
28 unwilling or unable to use the website or make claims online, the settlement notice, in

1 both its long and summary forms, and claim forms will be provided via a toll-free
2 telephone number.

3 **CLASS NOTICE**

4 6. Facebook is, by far, the media outlet where Californians spend the most
5 time, with approximately 29 million registered users in the state who use the site at least
6 once per month.

7 7. Our Facebook ads will provide a notice that a settlement affects the rights
8 of buyers of Kroger Bread Crumbs and funds are available for online claims. The ads
9 will be published 8,750,000 times on Facebook, limited to adult California users of
10 Facebook, and partially targeted to users who are women and over the age of 25. The
11 notice will also include a link to the class website where consumers can learn more
12 about the lawsuit.

13 8. Facebook enables advertising to be published to unique individuals so that
14 duplicate advertisements are not shown to the same person. Thus, the campaign will
15 reach an estimated 8.75 million California users.

16 **PRESS RELEASE**

17 9. PR Newswire is a national press release service used by journalists as a
18 source for news. Press releases sent through PR Newswire often end up as articles in
19 news media websites such as CNBC.com, MarketWatch.com, Reuters.com, Yahoo.com
20 and local media affiliates of the major television networks ABC, NBC, and CBS. The
21 press release will contain information about the class settlement and the address for the
22 dedicated settlement website. I recommend the publication of a national press release on
23 PR Newswire.

24 10. I further recommend that details of the settlement be forwarded to class
25 action advocacy websites (such as TopClassActions.com and ClassActionRebates.com)
26 that are frequently used by members of the public interested in keeping updated on their
27 eligibility for settlements.

1 **CLRA NOTICE**

2 11. California's Consumers Legal Remedies Act (CLRA §1781) requires
3 published notice in a newspaper of general circulation in the county of the transaction,
4 once a week for four consecutive weeks. Accordingly, I will arrange the publication of
5 the summary notice in an approved San Diego County newspaper of general circulation.

6 **METHODS FOR PREVENTING PAYMENT OF ERRONEOUS,**
7 **DUPLICATIVE, AND FRAUDULENT CLAIMS**

8 12. We will use several methods to prevent payment of invalid claims.

9 13. To prevent duplication, all online claims will be loaded into an electronic
10 database. Claims received by mail would be manually entered into the same database.
11 An algorithm would then be run to identify duplicate entries, including those that are
12 not exact duplicates, but involve small variations in names or addresses.

13 14. One type of erroneous claim is an incomplete claim. To the extent
14 possible, the information contained within the incomplete claims will be used to notify
15 the submitter of the incomplete claim. A second type of erroneous claim is one that
16 does not match with a database of United States addresses. Where possible, these
17 addresses will be corrected, or individuals will be contacted and encouraged to resubmit
18 a correct claim.

19 15. Fraudulent claims are less significant in cases such as this where monetary
20 payments are relatively small. Moreover, merely requiring claims forms be submitted
21 under "penalty of perjury" substantially deters fraud. Nonetheless, fraud can be further
22 reduced by utilizing fraud detection techniques and rejecting fraudulent claims. The
23 claims database will be queried to report signs of fraud such as: (1) multiple online
24 claims made from the same Internet Protocol ("IP") address; (2) multiple highly similar
25 claims, (3) claims requesting payment be sent to penal institutions, and (4) requiring
26 claims that request payment be sent to an address outside California provide proof of
27 their residence in California during the class period. Such claims will be subject to
28 further manual review.

1 I declare under penalty of perjury of the laws of the United States that the
2 foregoing is true and correct.

3 Executed on April 20, 2021, in Atlanta, GA.
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Gajan Retnasaba

DATED: April 20, 2021

Respectfully Submitted,

/s/ Gregory S. Weston

THE WESTON FIRM
GREGORY S. WESTON

Class Counsel